

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO

March 10, 2009

Meeting

Chairman Mike McFarland called this meeting of the Tipp City Planning Board to order at 7:30 p.m.

Roll Call

Roll call showed the following Board members present: Mike McFarland, John Berbach, Joseph Gibson, and Mark Springer.

Others in attendance: City Planner/Zoning Administrator Matt Spring and Board Secretary Marilyn Fennell. Those signing the register were Dan Weaver and Thomas Snapp of Ferguson Construction and Joe Bagi.

Excuse Board Member

Mr. McFarland **moved to excuse Mr. Horrocks' absence.** Mr. Berbach seconded the motion. Motion passed 4-0.

Approval of Minutes

Feb.10, 2009

Meeting

Items not on the Agenda

Mr. Springer **moved to approve the minutes of the February 10, 2009 Meeting as presented.** Mr. Gibson seconded the motion. Motion passed 4-0.

There were no comments on items not on the agenda.

NEW BUSINESS

Deadline Dates

Chairman McFarland announced that the next regularly scheduled Planning Board meeting would be held Tuesday, April 14, 2009. Preliminary Plans, Final Plats and Site Plans must be submitted by 5:00 p.m. on March 23, 2009.

Koenig Equipment,
5695 S. CR 25A,
Inlots 3444 & 3445-
3 requests

1. Lot Replat

Mr. Spring said the applicant proposes a new 14,100 sq. ft. building at 5695 S. County Rd. 25A for Koenig Equipment, a John Deere lawn, garden, and grounds keeping equipment sales and service business. The first item requested is a replat of the two inlots, 3444 and 3445 into a single inlot of record. The new lot will be 4.155 acres in area. The proposed replat will maintain all easements, covenants, and restrictions previously existing on the inlots and Northgate Commerce Center. The lots were rezoned from OS (Office Service) to I-1 (Light Industrial) effective February 18, 2009.

Mr. Spring continued that along with the listed additional use restrictions with the installation of a required concrete box culvert, the protective covenants and restrictions need to note that "the culvert box shall remain a privately maintained structure by the owners of these inlots."

Mr. McFarland asked for any comments or questions on the first request. Mr. Berbach asked if this wasn't the concept discussed at the discussion last month. Mr. Spring said that it was. There were no further questions on the first request.

Mr. Berbach **moved to approve the replat of Inlots 3444 and 3445 into one inlot of record for Koenig Equipment with the recommendations given in the staff report.** Mr. Gibson seconded the motion. Motion passed 4-0

2. Special
Use-John
Deere
Dealership

Mr. Spring continued with the second request. The applicant was asking for approval for a Special Use within the I-1 (Light Industrial) zoning district. The business is a commercial and consumer service establishment specializing in the sales and service of John Deere lawn, garden, and grounds keeping equipment. The structure would be 14,100 square feet. He read thru the purpose of the Light Industrial Zoning District and the permitted and special uses were listed in the staff report. Even though a service establishment is not specifically listed, Code does allow the Planning Board to allow other Special Uses that are of the same general character and are not found to be obnoxious, unhealthful or offensive by any reason. Mr. Spring noted that Planning Board previously approved the same Special Use, January 10, 2006, at another city location within the Light Industrial Zoning District for this applicant.

He then continued with the General and Specific requirements for special uses. The display areas proposed total 7,975 sq. ft. It will be utilized to showcase and highlight various types of lawn equipment. Mr. Spring had a chart showing the exterior and under roof display areas. The proposed display area along CR 25A will be constructed on mounding 3' tall and maintained in grass. The displayed area under roof will be open to the south and east and enclosed by walls of the building to the north and west.

There are 8 ground-mounted flood lights, The lights will illuminate the side of the building and the display areas but not affect the motoring public.

Staff noted that the applicant proposes to place smaller lawn and garden type of equipment within the designated display areas. There will be no farm equipment or larger commercial type of equipment like backhoes or bulldozers.

The screening required will be various elements. A Type A buffer must be provided, defined as *completely opaque from the ground to 6 feet above the ground. Buffering shall be provided by plant material and/or some type of mechanical barrier and/or an earth berm. Plant material shall reach desired maturity within 2 years of planting and shall provide the same level of buffering year round.* Mr. Spring said the applicant is proposing a landscaping berm, 230' in length and 3' in height. It is to be planted with white pines and maple trees and located in the western front yard of the property. The residential use to the west is the Curry Branch subdivision and the closest structure is 302'.

A Type B buffer is required to the north and south. Type B is defined as *being completely opaque from the ground to 3 feet above the ground and at least 50% opaque from 3 feet to 6 feet above the ground. Buffering shall be provided by plant material and/or some type of mechanical barrier and/or an earth berm. Plant material shall reach desired maturity within 2 years of planting and shall provide the same level of buffering year round.*

The applicant has proposed utilization of an earthen berm 175' in length and 3' in height. It is to be planted with 9 white pines and

located at the rear, the northern yard area of the property. This berm area will not be utilized as an exterior display area.

Mr. Spring went thru the fencing proposed, it being composed of split-face concrete block and chain link. Code states that in non-residential areas, the Planning Board shall determine the construction standards, bulk regulations, and position for all accessory structures.

That concluded the Special Use information. Mr. Berbach asked about the fence requirements. It was explained that in the non-residential areas it was up to the Board's discretion on a case-by-case basis. Mr. Berbach also asked about the outdoor display. Mr. McFarland said if there was equipment to display not listed they would need to come back to Planning Board. Mr. Berbach was concerned it was much like the former Ace Hardware annual requests. Mr. Springer said Tipp City Hardware is in the Highway Service zoning district. (note- it is actually in the Planned Commercial)

Mr. Gibson asked if there was any indication as to how many pieces of equipment would be outdoors. Mr. Spring said there are some representations on the site plan but he did not know how accurate those were. He thought the Board would approve the area to be used and it would be up to the owner to utilize that area. Mr. McFarland said in observing other locations, the area would not be packed as you would not be able to see the displays. Mr. Spring said that was not specifically addressed in the staff report but if the Board is interested in such limitations it would be at the Board's discretion.

Mr. Springer asked if there were any comments from the properties across the road that was in the township. Mr. Spring said there have been no comments from any other properties. Mrs. Fennell added that the township properties were sent notification during the rezoning request and there had not been any comments received.

Mr. McFarland **moved to approve the Special Use for the John Deere dealership for Koenig Equipment with the recommendations listed in the staff report.** Mr. Springer seconded the motion. Motion passed 4-0.

3. Site Plan
Approval

Mr. Spring continued that the site plan meets or exceeds all lot and yard requirements. The landscaping plan was included in the packets and lists a variety of trees, bushes, and grasses plus the use of 12 landscaping rocks/boulders. The rest is to be seeded with Professional Blue Grass Sunny Mix grass seed.

Mr. Spring said the parking requirements are delineated in Code §154.078(E)(27) (Vehicle sales & service), which states there should be 1 parking space for each 800 square feet of floor area, plus 1 space for each 3,000 square feet of open lot devoted to the sale and display of motor vehicles. Accordingly there are 21 total spaces required. The facility is shown with 23 10' x 20' standard off-street parking spaces which exceeds the requirements. No handicapped space is required due to there being fewer than 24 spaces required but the site plan does provide one handicapped parking space. 12 of the spaces are provided outside of the parking and receiving area and 11 within the parking and receiving area. The 24' sliding gate provides

access to that area and it was recommended that the gate remain open during normal business hours.

The lot lighting has been provided on a photometric diagram and the lot will be provided with an average of 2.53 lumens across the Blauser Drive off-street parking/receiving area and an average of 2.35 lumens across the rear parking/receiving area. The illumination will have a maximum of 10.1 lumens and a minimum of 0.0 lumens. Mr. Spring continued that the level of illumination shall be low so as to present a soft & subdued appearance to the property. It will not appear as glare from the public right-of-way.

The required trash collection will be located at the southeast corner of the off-street parking area south of the building and screened by the 8'-3" split-face concrete block wall.

Mr. Spring stated that Fire Chief Steve Kessler has requested the placement of a 'Knox Box' on the front exterior of the building for access to entrance keys for emergency purposes. He said that should be included in the motion for approval.

The Construction Entrance should be located on Blauser Drive and not County Road 25-A. Regarding storm water, the facility will utilize two detention basins located along the eastern side of the property for the detention. City Engineer Scott Vagedes has approved the storm water calculations provided by the applicant. There is an existing waterway running east to west along Blauser Drive.

The applicant will construct modifications to this waterway, which will include a concrete waterway and the addition of a box culvert underlying where the proposed driveway will enter the site on Blauser Drive. Staff notes that the box culvert will be the private property of the owners of the property and shall not be owned and/or maintained by the City of Tipp City. Box culvert shop drawings and headwall detail design shall be submitted to Tipp City for review and approval prior to installation.

Staff notes that prior to the issuance of a Final Certificate of Occupancy by the City of Tipp City, the detention basins, its pipes, and appurtenances are to be as-built and a certification by the engineer is to be provided to the City stating the detention basin was constructed in accordance with the design and will operate in conformance with the City of Tipp City rules and regulations.

Mr. Spring had 8 recommendations for the Board to consider in this site plan approval:

1. The applicant shall provide a "Knox Box" on the front exterior of the building to provide the Tipp City Fire Department with access to the facility in cases of emergency. Applicant to coordinate placement of Knox Box with TCFD Chief Steve Kessler.
2. The 24' sliding gate shall remain open during normal business hours to provide access to the required off-street parking spaces.
3. The proposed box culvert shall be owned and maintained by the owners of the property in question, and in no way the

- responsibility of the City of Tipp City.
4. The construction entrance shall be located on Blauser Drive.
5. Box culvert shop drawings and headwall detail design shall be submitted to Tipp City for review and approval prior to installation.
6. Prior to the issuance of a Final Certificate of Occupancy by the City of Tipp City, the detention basins, its pipes, and appurtenances are to be as-built and a certification by the engineer is to be provided to the City stating the detention basin was constructed in accordance with the design and will operate in conformance with the City of Tipp City rules and regulations.
7. A separate zoning Sign permit will be required for all signage, subject to administrative approval.
8. The applicant must obtain authorization/approval from the Planning Board for any proposed other exterior modifications to the site prior to the construction/undertaking of any such proposed modifications.

Mr. McFarland asked for comments/questions. Mr. Berbach asked about the Knox Box issue. Mr. McFarland said he spoke with Chief Kessler before the meeting and the reason for the Box is that after business hours the gates are locked and the Fire Department might need access. Mr. Berbach said he didn't think it had come up before in site plan reviews. Mr. Berbach also wanted the applicant to be aware of recommendation #8. Mr. Berbach asked the representatives from Ferguson Construction if they understood. They said that they did. Mr. McFarland said he didn't think that changes in site plans have been such an issue since the Board started adding that recommendation to approval motions.

Mr. Springer asked about the bike trail that was proposed in the Comprehensive Plan along CR 25A. Mr. Springer said at this point there are no current plans for that theoretical bike path.

Mr. McFarland complimented the applicants for their complete site plan and having the information needed. There being no further comments. Mr. Springer **moved to approve the site plan for the 5695 S. County Rd. 25A with the 8 conditions in the staff report.** Mr. McFarland seconded the motion. Motion passed 4-0.

Mr. Snapp said they were not sure when ground would be broken. He also thanked staff and the Board for their attention to the details on this matter.

St. John's Catholic
Church, 753 S.
Hyatt St.-
Temporary Use for
Festival

Mr. Springer said the applicant is requesting a Temporary Use for a 3-day community festival to be located on the grounds of St. John the Baptist Catholic Church, 753 S. Hyatt St. The proposed dates are July 10-12, 2009, 5-11pm on Friday and Saturday and 12pm-6pm on Sunday. Temporary uses are permitted in applicable zone districts by the grant of a permit by the Planning Board.

The proposed festival (Temporary Use) would consist of the following:

- Six to eight amusement rides consisting of such items as a Ferris Wheel, Big Slide, Carousel, and other

various Children and/or Thrill type rides. The rides will be provided by Kissel Brothers, an Ohio mobile amusement company that serves fairs, festivals and community events throughout Ohio and Northern Kentucky.

- Food sales
- A kids games area
- A separate tent for gambling and beer sales.
- A flea market
- A stage with a live band

The festival will be located in and around the southern half of the ± 10 acre parcel. The area utilized will include the southern (side) off-street parking area, and a portion of the southern (rear) off-street parking area as well as the grassy landscaped areas.

The applicants have proposed the utilization of ± 870 linear feet of orange construction fence about the southern and western perimeter of the property to enclose the festival. The temporary fencing will be 4 feet in height and removed at the conclusion of the festival.

The applicant will locate a temporary dumpster at the south central portion of the off-street parking area for refuse collection during the festival. This dumpster will be removed at the conclusion of the festival. The Kissel Brothers amusement company will utilize 5-7 fifth wheel motor homes which will be parked in the grass west of the western off-street parking area. These vehicles will arrive approximately Monday July 6th, 2009 for equipment set-up and inspection and depart shortly after the conclusion of the festival on July 13th, 2009.

Utilization of the southern and a portion of the rear off-street parking area for the festival will leave approximately 76 standard spaces and 4 handicapped accessible spaces for patron parking. The applicant has indicated that if attendance warrants, and weather permits the church will also allow additional parking in the grass adjacent to the parking area.

Staff notes that the Planning Board approved a similar request for the 2008 event in this location.

Staff recommends approval of the Temporary Use permit with the following conditions:

1. The Temporary Use shall only be valid only July 10, 2009 through July 12, 2009 with the hours of operation noted in this staff report. This approval also allows for the amusement company to arrive and begin set-up the Monday immediately prior to the event and tear-down and depart within two (2) days after the conclusion of the event.
2. The applicant shall obtain approval from the Tipp City Fire Chief prior to the erection of the any tents regarding fire safety regulations.
3. Serving of alcoholic beverages shall not be permitted without a permit from the Ohio Liquor Commission.
4. The sale of food products shall not occur without prior approval

City of Tipp City,
(Springhill
Nurseries LLC)
Tipp Canal Road,
South of Kyle Park,
Pt. IL 2450-Minor
subdivision for
Bikeway

Old Business
Miscellaneous
City Council

Reports:
Feb. 17, 2009- Mr.
Berbach

March 2, 2009- Mr.
McFarland for Mr.
Horrocks

Board member
comments

from the Miami County Health District and/or the State of Ohio as required.

5. All signage for the event shall comply with the Tipp City Sign Code and will require a separate Zoning Compliance Sign Permit, subject to approval.
6. All amplified stage sound equipment shall be discontinued by 10pm each evening.
7. All temporary structures (fencing, tents, dumpsters, portable toilets, etc.) must be removed by July 26, 2009.

Mr. Springer said the applicant was not present although he had been having a number of conversations with the chairman. Mr. Berbach asked if they were aware of the conditions. Mr. Springer said they were. Mr. Berbach **moved to approve the Temporary Use for St. John the Baptist Catholic Church for the 3 day festival with the conditions listed in the staff report.** Mr. Gibson seconded the motion. Motion passed 3-1, Ayes: Berbach, Gibson, and Springer, Nays: McFarland.

Mr. Springer explained the City is requesting approval of a Minor Subdivision (lot split) in association with the construction of the Great Miami River bikeway near Tipp Canal Road and south of Kyle Park. This is a project partnered by Tipp City, Fiver Rivers Metro Parks, Miami County Park District, and the Monroe Twp. Trustees to secure money to construct the bikeway from Ross Road to Kyle Park. Five Rivers Metro Parks is the lead public authority and in charge of acquiring all property. Once this land is acquired from Spring Hill Nurseries it will be deeded to Tipp City. The 3.320 acre tract is not a separate building lot. The Miami County Tax Department has approved the accuracy of this proposed minor subdivision. Staff recommended approval of the minor subdivision.

Mr. Springer asked where the pathway ended. Mr. Springer said this piece is the last piece of property within the city limits. The rest would be in Monroe Twp.

Mr. Springer **moved to approve the minor subdivision for Pt. Inlot 2450 as described in the staff report.** Mr. Gibson seconded the motion. Motion passed 4-0.

There was no Old Business to discuss.

Mr. Berbach reported that there were first readings for ordinances regarding the annexation of the 1.746 acres if right-of-way along CR 25A and adoption of the zoning regulations for wind and solar energy.

Mr. McFarland reported on behalf of Mr. Horrocks. There were the final readings and adoption of the ordinances for the right-of-way annexation and the wind and solar energy zoning regulations. There was a resolution to enter into contract with Coate Construction for the construction of the bike path in Kyle Park.

Mr. Springer asked if the traffic signal project was still on track. Mr. Springer said as far as he knew it was and it is out for a rebid. He also asked about the purchase of the home for the real estate office

Adjournment

that the Board reviewed in February. Mr. Spring said he thought the auction was in the next few days. Mr. Springer also asked about the Walker Project and the Eidemiller PRD projects. Mr. Spring said he had been working with the Walker Project for signage and they have added the site to the State of Ohio ProCure website. The Eidemiller project is still on hold with the developer, Mr. Hitchcock.

Mr. McFarland said he wished to clarify his vote on the St. John's request. He felt it was important for a representative, on any matter before the Board, to be present in case there were questions. He had no objections to the project but there was no representative present.

There were no further comments by the Board members. There being no further business for discussion, Mr. Springer **moved that the meeting be adjourned**. Mr. Berbach seconded the motion. Chairman McFarland declared the meeting adjourned at 8:30 pm.

Michael McFarland, Planning Board Chairman

Attest: _____
Marilyn Fennell, Board Secretary